

FISCAL NOTE

SB 3169 - HB 3191

March 2, 2004

SUMMARY OF BILL: Amends certain provisions of TCA 50-6, Title 50, Chapter 6, Parts 1 and 2, relative to workers' compensation law as follows:

- Changes the legal burden of proof that the injury of an employee who tested positive for drugs or alcohol after an injury at a Drug-Free Workplace was not caused by drugs or alcohol from a preponderance of the evidence to clear and convincing evidence.
- Limits the liberal construction in favor of the employee to apply only when the court is making a determination of the compensability of the workers' compensation claim and prohibits liberal construction given by the courts when deciding any other issue in a lawsuit.
- Changes the limit on attorneys fee to 20% of the difference between a good faith settlement offer, certified as such by a workers' compensation specialists, and the final award. Limits fees for attorneys for services to employers to a maximum of \$12,000.
- Applies the present law for permanent partial disability award limits for body as a whole injuries to scheduled injury cases based upon whether the employee can make a meaningful return to work.

ESTIMATED FISCAL IMPACT:

Decrease State Expenditures - Not Significant/Claims Award Fund

Estimate assumes a not significant reduction of workers' compensation claims costs due to reduced awards and more conservative benefit determinations.

CERTIFICATION:

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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